IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

WP(C).No. 1577 of 2007(K)

PETITIONER:

KUNHAMMED KUTTY ALIAS KUNHAMMUTTY,
S/O.PACKER, AGED 72, T.V.HOUSE, VARAM ROAD,
POST KANNADIPARAMBA, KANNUR DISTRICT.

BY ADV. SRI.MOHAMMED RAFIQ
SRI.P.MANOJ (KALAVELI)
SRI.SHAIJU ANTONY

RESPONDENTS:

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1. THE UNION OF INDIA, REPRESENTED BY
THE SECRETARY, MINISTRY OF HOME AFFAIRS,
NEW DELHI.

2. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

3. THE SUPERINTENDENT OF POLICE,
KANNUR.

4. THE SUB INSPECTOR OF POLICE,
VALAPPATTANAM.

BY ADV. SHRI. JOHN VARGHESE, ASST. SGI
ADV. SMT.ANU SIVARAMAN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)No. 1577/2007

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE PETITION DATED 30/12/2006 FILED BY THE PETIITONER BEFORE THE 1ST RESPONDENT UNDER SEC. 9(2) OF THE CITIZENSHIP ACT.

P2 : COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT OF KERALA DATED 28/10/1995 IN W.A. NO. 1309/1995.

// TRUE COPY //

PA TO JUDGE

jg

S. SIRI JAGAN, J.

W.P.(C)NO. 1577 OF 2007

DATED THIS THE 13th DAY OF JUNE, 2007

JUDGMENT

The petitioner submits that although he was citizen of India by birth, circumstances forced him to denounce his citizenship and become a citizen of Pakistan. Now he is aged 72 years and wants to join his wife and children in his native Village in Kerala and to permanently settle down there. However, since he is a foreign national holding a foreign passport, the respondents are taking steps to deport him. In the above circumstances, the petitioner has filed a petition before the Government of India stated to be under Section 9 (2) of the Citizenship Act. The petitioner seeks a direction to the 1st respondent to consider and dispose of Ext.P1 and not to deport him in the meanwhile. This Court had granted an interim order, dated 15.01.07 staying deportation.

2. I have heard the learned counsel for the petitioner, the learned Asst. Solicitor General and the learned Government Pleader.

3. In the facts and circumstances of the case, there would be a direction to the 1st respondent to consider and pass appropriate orders on Ext.P1 as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment. Till then

the petitioner shall not be deported subject to the condition that the petitioner shall report to the 4th respondent once in every two weeks. Respondents 3 and 4 should also be entitled to keep track of the movements of the petitioner and to take appropriate action, if the petitioner is involved in any unacceptable conduct.

This writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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